

Figure 1



Figure 2



Figure 3

Factsheet: Dangerous, Restricted and Menacing Dogs

The Companion Animals Act 1998 (NSW)

The aim of this act is to help ensure that owners of companion animals, such as cats and dogs, care for and manage them in an effective and responsible way. The requirements of the Act also aim to help protect native birds and animals.

The Prevention of Cruelty to Animals Act 1979 (NSW)

This act requires owners to provide adequate food, water, shelter, exercise and healthcare for their animals.

Dangerous Dogs

Declaration of Dangerous Dogs

- The council may declare your dog a “dangerous dog” if it attacks or kills an animal or human without provocation, threatens to attack or repeatedly chases people or animals.

Legal Obligations and Responsibilities

- An owner of a dangerous dog will be required to take certain actions to prevent the dog from causing further damage.
- A dangerous dog must be desexed, enclosed within an enclosure that meets the requirements of the *Companion Animals Act* and when outside that enclosure the dog must always be leashed, muzzled and wearing the specific indicative collar and under the control of a competent person.
- There are also restrictions on breeding or selling dangerous dogs. In some circumstances the court may order that the dog be destroyed

Restricted Dogs

Declaration of Restricted Dogs

- Some breeds of dog are considered or may be declared “restricted dogs”, such as the American pit bull terrier or the Japanese tosa.

Legal Obligations and Responsibilities

- The restricted dogs must always be leashed with the specific indicative collar, muzzled and must never be under the sole control of someone under the age of 18.
- There are also restrictions on breeding or selling restricted dogs, as well as the type of enclosure that the dog may be kept in.



Figure 4





Figure 5

Menacing Dogs

Declaration of Menacing Dogs

- A dog can be declared a “menacing dog” without attacking a person, animal or property instead it can be considered menacing if the dog shows unreasonable aggression towards any person or animal.
- A dog will also be declared a menacing dog if it without provocation attacks a person or animal with no serious injury or death.

Legal Obligations and Responsibilities

- The dog must wear a specific distinctive collar and reside within an enclosure built to the required specifications.
- Outside the enclosure, the menacing dog must be in the control of a competent person by the use of a chain, leash or cord and muzzle.

Offences and Penalties

You are liable if your dog attacks a person or their property, unless the attack occurred on your property where the attacked person was not lawfully on the property and the dog had not already been declared a dangerous dog or a restricted breed at the time of the attack. You may not be liable if the attack was solely due to provocation

Local Councils have extensive powers under the *Companion Animals Act* to issue nuisance orders, declare dogs dangerous or menacing, as well as to seize and destroy dogs. Dogs may be seized by Council Rangers because they are not micro-chipped or because a notice has been given to the owner of the dog that it has been declared dangerous, of a restricted breed or as menacing.

The maximum penalty for dog-related offences under the *Companion Animals Act* is a gaol term of up to 5 years and / or fines of up to \$77,000.

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Figure 6

In order for menacing, restricted or dangerous dogs to be considered under control of a competent person, they must not have more than two dogs on leash.

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Figure 1: Dog Breeds Expert, *Japanese Tosa*, retrieved 13/06/2014 from [http://www.dog-breeds-expert.com/Japanese-Tosa.html#gallery\[pageGallery\]/4/](http://www.dog-breeds-expert.com/Japanese-Tosa.html#gallery[pageGallery]/4/)

Figures 3, 4 & 6: all Pet News, *Dangerous Dogs by the Decade*, retrieved 13/06/2014 from <http://www.allpetnews.com/dangerous-dogs-by-the-decade>

Figure 5: City of Palmerston, *Dog Attack*, retrieved 13/06/2014 from <http://www.palmerston.nt.gov.au/laws-and-permits/animals/dog-attack> retrieved 13/06/2014